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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/783,939 | 02/20/2004 | Blaise Mattie | GRON-3894 | 7286 |

5409 7590 10/27/2006

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| EXAMINER |
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MENDIRATTA, VISHU K

| ART UNIT | PAPER NUMBER |
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3711

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/783,939
Filing Date: February 20, 2004
Appellant(s): MATTIE, BLAISE

**MAILED
OCT 27 2006
GROUP 3700**

Mattie, Blaise
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/14/06 appealing from the Office action
mailed 4/24/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1,3-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Andrew (4136879).

Andrew teaches a game board (Fig.1), a plurality of markers (Fig.4), a plurality of spaces (A1-A7 etc), start space (11), a plurality of cards (Fig.7-12), random number generator (Fig.3), and badges (Fig.5). Applicant may note that method steps/rules for playing the game do not further limit the apparatus in the claim.

For example Andrew game pieces can be used for moving on spaces (rule) as well as for marking obtainable spaces (rule).

Applicant might argue that references spaces and cards are not the same as compared to applicant's spaces and cards.

The only difference between applicant's game and the applied reference resides in meaning and information conveyed by the printed matter and not considered patentable EX. Parte Breslow 192 USPQ 431.

For example modifying a task space/card to include a doctor's or a nurse's duties will not in spirit and scope change the configuration of task space/card.

In order to change the theme of the game, it would have been obvious to change the information on spaces/cards to match the theme of the game.

One of ordinary skill in art at the time the invention was made would have suggested modifying the indicia on spaces/cards to promote a game.

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The limitations e.g. inner circle, outer circle, and central region with map are aesthetic and not critical to the game. One of ordinary skill in art at the time the invention was made would have suggested making aesthetic changes to attract potential players.

(10) Response to Argument

On page 7, the applicant argues that “at least the element rank badges which may be obtained” **is not disclosed by Andrew. Examiner takes the position that the** argument pertains to method of playing and as in intended use of the limitation and does not further the claimed apparatus.

On page 8, the applicant argues that Andrew does not teach distinct markers.

Examiner takes the position that Andrew clearly teaches distinct markers, see Fig.4.

On page 9, the applicant argues that Andrew's personal cards are neither obtained nor discarded. **Examiner takes the position that the arguments are related to the** method of use and not limiting the apparatus. How an item is used is not a structural limitation towards an apparatus.

On page 9, the applicant argues “the rank of the player effects the way the game is played” **is not taught in Andrew. Examiner again takes the position that the** arguments are towards intended use of the limitation and not furthering the apparatus in the claim.

On pages 10-11, the applicant again argues the use of cards and not the structure that would further limit the apparatus in the claim.

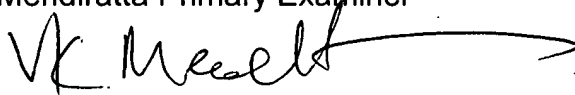
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With respect to applicant's cards the Examiner takes the position that the only difference between applicant's cards and Andrew's cards reside in meaning and information conveyed by the printed matter and not considered patentable differences Ex. Parte Breslow 192 USPQ 431.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Vishu K Mendiratta Primary Examiner



VISHU MENDIRATTA
PRIMARY EXAMINER

Conferees:

Kim, Eugene (SPE).....

Mitra Aryanpour (Primary Examiner).....